

REMARKS

ELECTION

Applicants' attorney confirms the election of claims 1 - 13.

35 USC 112 - PAR. 7.

The rejection of claims 2 - 12 is respectfully traversed in view of the amendment to claim 2, which specifies that the second set of trenches is the subject of that claim.

CLAIM REJECTIONS - 35 USC 102 - PAR. 9

The rejection of claims 1 - 8 and 13 under 35 USC 102(b) is respectfully traversed as being moot in view of the amendment to claim 1.

The limitations of claim 9 have been incorporated in claim 1, so that the relevant rejection is that under '103.

CLAIM REJECTION

35 USC 103

The rejection of claims 9 - 12 (and claim 1 and its dependents) is respectfully traversed.

Claim 1 has been amended to clarify that the step of nitriding occurs in a separate location from that of the nitride liner. Since the examiner has

1 assumed that the nitriding step forms the insulating liner (paragraph 10,
2 line 7 - 10), the rejection under 35 USC 103 is moot for this reason.

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4 The rejection under 35 USC 103 is improper with the current versions of
5 claim 1 because the combination of the two references of Radens and
6 Hodges would defeat the purpose of the present invention.

7
8 The present invention forms a conductive path in order to make a body
9 contact for the vertical transistor. Necessarily, that requires that there be
10 substantial conductivity along the path.

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12 The Hodges reference describes an isolation scheme that by its nature
13 blocks conductivity.

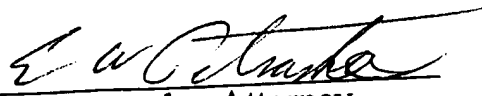
14
15 If the Hodges nitride layer were placed in the structure of Radens, the body
16 contact would not work because of the effective isolation provided by the
17 Hodges material.

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19 Thus, the combination of Radens and Hodges does not meet or suggest the
20 claims as amended.
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1 For the foregoing reasons, allowance of the claims is respectfully
2 solicited.
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Respectfully submitted,

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10 by:


Eric W. Petraske, Attorney
Registration No. 28,459
Tel. (203) 798-1857